**IN THE HIGH COURT OF JUDICATURE**
**AT BOMBAY**
**ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO.1710 OF 2005**
**IN**
**SUIT NO.230 OF 2004**

Dorothy Gomes ...Plaintiff
Vs.
Tootsie Sharma & Ors. ...Defendants

Mr.N.G.Karekar for the Plaintiff in support of Notice of Motion
None for Defendant Nos.1 to 3
Ms. S.A. Musale i/b. Mr.V.J.Hegde for defendants 4 to 10 to show cause

**CORAM: SMT. ROSHAN DALVI, J.**
**DATED: 30TH JUNE, 2006**

**P.C.**

1. The plaintiffs and defendants 11 to 15 have **half** share in the suit property. The defendants 1 to 3 have another **half** in the suit property. The defendants 1 to 3 have executed a registered Deed of Conveyance in favour of the defendants 4 to 10 without the consent of the plaintiffs. It is contended by the plaintiff's that under this Deed of Conveyance the entire property is sold to defendants 4 to 10 and not only the interest of

the defendants 1 to 3. The plaintiffs would therefore, be entitled to their **half** share therein. The plaintiffs have not sued for partition but only for declaration and injunction.

2. The defendants 4 to 10 are represented. The Advocate for defendants 4 to 10 makes a statement that the defendants have not transferred, sold or created any third party interest in any of their shops and shall not do so.

O R D E R

The defendants 4 to 10 shall not transfer, sell, part with the possession, encumber or create any third party interest in any of the shops in their possession pending the suit.

The Notice of Motion is disposed of accordingly.

**(SMT.ROSHAN DALVI, J.)**